

## **REMARKS**

In view of the above amendments and the following remarks, reconsideration of the rejections and further examination are requested. Upon entry of this amendment, claims 1, 4, 6, 7, 9, 10, 12, 14, and 17-21 are amended, leaving claims 1-21 pending with claims 1, 9, 17, 18 and 20 being independent. No new matter has been added.

### ***Objections to the Specification***

The disclosure has been objected to because pages 1 and 2 include “an inline reference marker to a foreign reference”. The specification has been amended to overcome this objection.

### ***Rejections Under 35 U.S.C. §101***

Claims 20 and 21 have been rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter of software, *per se*.

Independent claim 20 has been amended to overcome this rejection.

### ***Rejections Under 35 U.S.C. §102(b)***

Claims 1-21 have been rejected under 35 U.S.C. §102(e) as being anticipated by Tsuria et al. (U.S. Patent Application Publication No. 2004/0030898) (hereinafter referred to as “Tsuria”).

Applicants submit that each of the independent claims as now pending overcomes the cited prior art.

#### **Claim 1**

Amended independent claim 1 recites, among other things, a terminal device for transferring right to use content to a portable medium, comprising a conversion unit operable to convert generated content, to generate converted content, an encryption unit operable to encrypt the converted content using the medium key, to generate second encrypted content, a write unit operable to move the medium key and the second encrypted content to the portable medium, and read the device key from the storage unit and write the read device key to the portable medium, and a key deletion unit operable to delete the device key from the storage unit, thereby

prohibiting the decryption unit from decrypting the first encrypted content, wherein the storage unit continues to store the first encrypted content irrespective of whether the device key has been deleted or not.

Thus, this claim relates to an invention which, when moving content from a terminal device to a portable medium, is capable of converting the content into converted content, and move the converted content to the portable medium. This conversion may, for example, convert the content to a low image quality to reduce its data size. Such a conversion is performed because, in general, the memory capacity of a portable medium is smaller than that of a terminal device. Generally, if the content moved to the portable medium is “moved back” to the terminal device, the content moved back to the terminal device will be of low image quality which contains less data. In a conventional system, the high-image-quality content is deleted when moved to the portable medium, and as a result, the original high-image-quality content cannot be recovered even if moved back to the terminal device.

The terminal device covered by claim 1 moves the second encrypted content and medium key to the portable medium, while continuing to store the first encrypted content, which pertains to the content before the conversion, in the storage unit. The terminal device also moves the device key used to decrypt the first encrypted content to the portable medium and instructs the key deletion unit to delete the device key from the storage unit, thereby prohibiting the first encrypted content from being decrypted.

With the above-described structure, the present invention is able to move content from a terminal device to a portable medium after, for example, reducing the data size by converting the content to low image quality. Since the terminal device keeps the first encrypted content pertaining to the content before the conversion stored in the storage unit, the first encrypted content can be decrypted again by returning the device key to the terminal device when moving the content is moved back to the terminal device. Accordingly, the terminal device can use the pre-conversion content after the content is moved back to the terminal device.

Such a device is not disclosed nor rendered obvious by Tsuria. Tsuria discloses a device that moves content from a first user to a second user. Specifically, Tsuria discloses that content 10 held by the first user is encrypted using a content key 16 included in a key packet 12, and the

content key 16 is encrypted using a key 18 (paragraph [0045]). When the content 10 and the key packet 12 are moved to the second user, the first user re-encrypts the content 10 using a key 38 of the second user, generating new content 41 (paragraphs [0022], [0023], [0053]-[0055]). The first user re-encrypts the content key 16 included in the key packet 12 with the key 38 of the second user, generating new key packet 40 (paragraphs [0021], [0053]). The first user encrypts the new content 41 and the new key packet 40 with the key 38 of the second user and transmits these to the second user (FIG.1). The first user deletes the key packet 12 after moving the content to the second user (paragraph [0059]).

However, Tsuria neither discloses nor renders obvious “a conversion unit operable to convert the generated content, to generate converted content,” as recited in claim 1. In other words, unlike the present claims, Tsuria does not disclose that the content can be converted before being moved and that the content after the conversion can be the content that is moved, and accordingly, Tsuria does not recognize the problem solved by the embodiments covered by the present claims, which is “the content before the conversion cannot be used when the content is moved back”.

Based on the above disclosure of Tsuria, it is assumed that the Examiner believes that the device key of claim 1 corresponds to the key 18 of Tsuria, and the medium key of the present invention corresponds to the key 38 of Tsuria. Assuming this, Tsuria does not disclose deleting the key 18, i.e., Tsuria does not disclose the element of “a key deletion unit operable to delete the device key from the storage unit, thereby prohibiting the decryption unit from decrypting the first encrypted content,” as recited in claim 1.

Also, Tsuria does not disclose moving the key 18 to the second user, i.e., Tsuria does not disclose the element of “a write unit operable to move the device key to the portable medium,” as recited in claim 1.

Further, Tsuria states that “in addition to the key packet of the first user, the content 10 may also be deleted after the content 40 is moved to the second user” in paragraphs [0011], [0059]. Thus, Tsuria does not disclose the element of “the storage unit continues to store the first encrypted content irrespective of whether the device key has been deleted or not”, as recited in claim 1.

In addition, claim 1 recites a conversion unit, a write unit, a key deletion unit, and a storage unit. Thus, the embodiments covered by claim 1 are capable of, when content is moved from a terminal device to a portable medium after being converted, for example, to low-image, storing the content in the terminal device, while preventing the terminal device from using the content as if the content itself had been deleted from the terminal device. Furthermore, even in the situation where the content after the conversion is moved to the portable medium and then moved back to the terminal device, the content before the conversion can be used by decrypting the first encrypted content, since the terminal device continues to store the first encrypted content pertaining to the content before the conversion. These advantages are not and cannot be achieved by the device disclosed in Tsuria.

Therefore, Applicants submit that independent claim 1 is allowable over the cited prior art.

#### Claim 9

Claim 9 and its dependent claims are allowable for similar reasons. Namely, the cited prior art fails to disclose or render obvious a content protection system for transferring a right to use content from a terminal device to a portable medium while protecting a copyright of the content, the terminal device comprising a first storage unit storing first encrypted content, a device key, and a medium key, the first encrypted content being generated by encrypting the content, a decryption unit operable to decrypt the first encrypted content using the device key, to generate the content, a conversion unit operable to convert the generated content, to generate converted content, an encryption unit operable to encrypt the converted content using the medium key, to generate second encrypted content, a write unit operable to move the medium key and the second encrypted content to the portable medium, and read the device key from the first storage unit and write the read device key to the portable medium, and a key deletion unit operable to delete the device key from the first storage unit, thereby prohibiting the decryption unit from decrypting the first encrypted content, and the portable medium comprising a second storage unit operable to store the device key, the medium key, and the second encrypted content received from the terminal device, wherein the key deletion unit deletes the device key from the

first storage unit after the write unit writes the device key to the second storage unit, and the write unit moves the medium key and the second encrypted content to the portable medium after the key deletion unit deletes the device key from the first storage unit, wherein the first storage unit continues to store the first encrypted content irrespective of whether the device key has been deleted or not.

Claim 17

Claim 17 is allowable for similar reasons. Namely, the cited prior art fails to disclose or render obvious a portable medium for receiving a right to use content from a terminal device while protecting a copyright of the content, a recording device including: a storage unit storing first encrypted content, a device key, and a medium key, the first encrypted content being generated by encrypting the content; a decryption unit operable to decrypt the first encrypted content using the device key, to generate the content; a conversion unit operable to convert on the generated content, to generate converted content; an encryption unit operable to encrypt the converted content using the medium key, to generate second encrypted content; a write unit operable to move the medium key and the second encrypted content to the portable medium, and read the device key from the first storage unit and write the read device key to the portable medium; and a key deletion unit operable to delete the device key from the first storage unit, thereby prohibiting the decryption unit from decrypting the first encrypted content, wherein the storage unit continues to store the first encrypted content irrespective of whether the device key has been deleted or not, the portable medium comprising a storage unit operable to store the device key, the medium key, and the second encrypted content.

Claim 18

Claim 18 and its dependent claims are allowable for similar reasons. Namely, the cited prior art fails to disclose or render obvious a content movement method used in a terminal device for transferring a right to use content to a portable medium while protecting a copyright of the content, the terminal device storing first encrypted content, a device key, and a medium key, the first encrypted content being generated by encrypting the content, the content movement method

comprising decrypting the first encrypted content using the device key, to generate the content, converting on the generated content, to generate converted content, encrypting the converted content using the medium key, to generate second encrypted content, moving the medium key and the second encrypted content to the portable medium, and reading the device key from the storage unit and writing the read device key to the portable medium, and deleting the device key from the terminal device, thereby prohibiting the decrypting step from decrypting the first encrypted content, wherein the terminal device continues to store the first encrypted content irrespective of whether the device key has been deleted or not.

Claim 20

Claim 20 and its dependent claim are allowable for similar reasons. Namely, the cited prior art fails to disclose or render obvious a computer-readable recording storage medium in a terminal device having recorded a content movement program used in a terminal device for transferring a right to use content to a portable medium while protecting a copyright of the content, the terminal device storing first encrypted content, a device key, and a medium key, the first encrypted content being generated by encrypting the content, the content movement program for causing the a computer to execute at least the following decrypting the first encrypted content using the device key, to generate the content, converting on the generated content, to generate converted content, encrypting the converted content using the medium key, to generate second encrypted content, moving the medium key and the second encrypted content to the portable medium, and reading the device key from the storage unit and writing the read device key to the portable medium, and deleting the device key from the terminal device, thereby prohibiting the decrypting step from decrypting the first encrypted content, wherein the terminal device continues to store the first encrypted content irrespective of whether the device key has been deleted or not.

In view of the foregoing amendments and remarks, all of the claims now pending in this application are believed to be in condition for allowance. Reconsideration and favorable action are respectfully solicited.

Should the Examiner believe there are any remaining issues that must be resolved before

this application can be allowed, it is respectfully requested that the Examiner contact the undersigned by telephone in order to resolve such issues.

Respectfully submitted,

Toshihisa NAKANO et al.

/Jeffrey J. Howell/  
By: 2009.02.04 12:28:42 -05'00'

Jeffrey J. Howell  
Registration No. 46,402  
Attorney for Applicants

JJH/MSH/kh  
Washington, D.C. 20006-1021  
Telephone (202) 721-8200  
Facsimile (202) 721-8250  
February 4, 2009